

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 5:15-CR-50009

STEVEN A. SMITH

DEFENDANT

ORDER

Comes on for consideration the Report and Recommendation (Doc. 35) filed in this case on May 12, 2016, by the Honorable Erin L. Setser, United States Magistrate for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case and, being well and sufficiently advised, finds that the Report and Recommendation is proper and is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Report and Recommendation, Plaintiff's Motion (Doc. 34), in which he seeks credit for ten months of time spent in state custody, is **DENIED WITHOUT PREJUDICE** to his ability to bring this claim again: (1) after he has exhausted his administrative remedies with the Bureau of Prisons, which it does not appear he has done, judging from the contents of his Motion and the documents attached to the Motion, and (2) by filing a petition for habeas relief pursuant to 28 U.S.C. § 2241 in the district in which he is confined—the Eastern District of Arkansas—or in the United States District Court for the District of Columbia, or in any district in which the Bureau of Prisons maintains a regional office.<sup>1</sup> The Court observes that, even if Plaintiff could establish now

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<sup>1</sup> The Bureau of Prisons does not maintain a regional office in Arkansas.

that he has exhausted his administrative remedies with the Bureau of Prisons, this Court still would not have jurisdiction to review his § 2241 petition due to the fact that he is incarcerated outside this district.

IT IS SO ORDERED on this 2<sup>nd</sup> day of June, 2016.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE